



Paper No. 5

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OFFICE OF PETITIONS

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260 WEST 52 ST., APT. 27B  
NEW YORK, NY 10019

In re Application of  
Keith  
Application No. 09/803,615  
Filed: March 8, 2001  
Attorney Docket No. 0505-4008

DECISION GRANTING  
PETITION

This is a decision on the petition, filed on July 5, 2001, in effect requesting that the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed on June 11, 2001 for the above-identified application, be withdrawn.

The petition is **GRANTED**.

The application was filed on March 8, 2001. On June 11, 2001, the Initial Patent Examination Division mailed the Notice stating that pages 1 and 2 of the specification (description and claims) appeared to have been omitted from the application as filed, and that the oath or declaration was missing.

In response, the present petition was filed wherein Petitioner contends that a complete copy of the application, including the allegedly missing declaration and omitted pages of the specification, was filed with other application papers on March 8, 2001. In support, the present petition is accompanied by a copy of Applicant's postcard receipt indicating receipt by the Office of, *inter alia*, 124 pages of specification, 3 pages of claims, and a declaration for this application on that date. The application is identified on that postcard receipt by attorney docket number for this application, 0505-4008. The petition also encloses "copies" of the declaration and pages 1-2 of the specification allegedly filed on March 8, 2001.

The Office file for this application does not include a declaration or pages 1-2 of the specification. It does contain, however, a brief description of the drawings (page 3), a detailed description of the invention and the drawings (pages 4-124), and 27 claims (pages 125-127).<sup>1</sup> The 2 pages of the specification enclosed with the petition consist of: title of the invention (top, page 1), Background of the Invention (page 1), and Summary of the Invention (page 2).

In view of the above, the Office concludes that a declaration and pages 1-2 of the specification had been filed on March 8, 2001, and were later misplaced. The petition is thus granted. The June 11, 2001 Notice is hereby withdrawn.

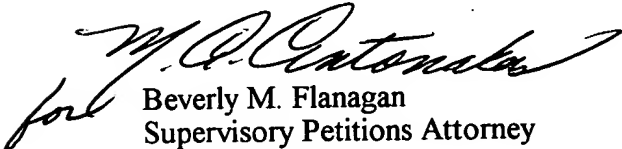
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<sup>1</sup> The 6/11/01 Notice thus erroneously stated that the description and claims were omitted.

The \$130 petition fee and the \$65 surcharge for late-filing of the declaration have been refunded as requested.

The application is being returned to the Initial Patent Examination Division for further processing with a filing date of March 8, 2001, using the papers filed on that date and supplemented with the 2 pages of specification and declaration supplied with the present petition.

Telephone inquiries concerning this matter may be directed to Petitions Attorney RC Tang at (703) 308-0763.

*for*   
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